

NEW SECTION

**WAC 246-924-510 Parenting plan evaluations.** Psychologists may be called upon to assist the courts in determining an appropriate parenting plan for a minor child or children. These rules establish minimum standards for these evaluations. It is the duty of each psychologist to make recommendations that are based upon the best interest of the child.

(1) A parenting plan evaluation is defined as an assessment of family functioning, leading to recommendations regarding the primary residential parent, shared residential time, decision-making authority and other variables. An evaluation usually includes a written report of the assessment and recommendations. The conclusions reached in an evaluation are based on information from more than one source.

(2) If psychological testing is used as part of the evaluation, the test(s) must be used for their intended purposes and must be interpreted according to the instructions of the test developer or as suggested in research literature.

(3) If the psychologist has provided therapeutic services to one party or both parties, the psychologist shall decline an appointment as a parenting evaluator unless there are unusual mitigating circumstances. Providing service in a rural or underserved area with limited professional options is an example of a mitigating circumstance. If a prior professional relationship exists with the parties, the psychologist shall disclose the prior professional relationship to the parties or their counsel before beginning the evaluation.

With an appropriate release, a psychologist may provide relevant information to the court regarding his or her client without that feedback being construed as a parenting evaluation. Relevant information may include, but is not limited to, diagnosis, clinical assessment, treatment plan, or prognosis.

(4) A psychologist may perform limited evaluative services related to, but not intended to be, a full parenting plan evaluation. Examples of these services include evaluating parenting ability of a party, evaluating substance abuse status of a party, assessing psychological functioning of a party, performing a sexual deviance evaluation, conducting a domestic violence assessment, assessing allegations of sexual or physical abuse of a child, or performing a vocational assessment of a party. The psychologist shall not make diagnostic or evaluative comments about a person he or she has not personally evaluated. The psychologist shall not make comparative statements unless both parties are evaluated.

NEW SECTION

**WAC 246-924-515 Parenting plan evaluations--Elements.** The following elements shall be addressed in parenting plan evaluations. These elements shall be addressed either by completing the element or by describing in the report or the file the reason for omitting the element.

(1) Preevaluation elements:

(a) The psychologist shall obtain the following:

- (i) Court order or a written agreement from all parties to conduct the evaluation;
- (ii) Written agreement about payment arrangements;
- (iii) Appropriate signed authorizations for release of information.

(b) Prior to commencing any evaluative activity the psychologist shall disclose the following specific information to the litigants:

- (i) Estimated cost;
- (ii) Written fee structure;
- (iii) Written statement regarding the purpose of the evaluation;
- (iv) Written statement of to whom the report may be released;
- (v) How sessions will be selected and sequenced;
- (vi) How collateral contacts will be selected;
- (vii) How errors can be corrected;
- (viii) Any dual roles and the possible conflicts of interest that may arise from the dual roles.

(2) Data collection elements:

- (a) Face-to-face session(s) with each party;
- (b) Observation of each child with party;
- (c) Interviews with each child who has the capacity to provide relevant information;
- (d) Equal psychological testing of both parties. If additional instruments are administered to one party, the reason for doing so shall be specified in the report or the file;
- (e) Approximately equal time spent with each party;
- (f) Appropriate collateral contact interviews;
- (g) An opportunity for each party to express concerns or issues; and
- (h) A review of relevant documents and pleadings.

(3) Assessment elements:

- (a) The psychological functioning of each party;
- (b) The psychological functioning of the child;
- (c) The needs of the individual child;
- (d) Each party's parenting history;
- (e) Relevant ethnic and cultural issues;
- (f) Indian Child Welfare Act of 1978 (P.L. 95-608);
- (g) Attachment and relationship between each child and each party;
- (h) Each party's parenting skills; and
- (i) Possible limiting factors as outlined in chapter 26.09 RCW such as child abuse, domestic violence, substance abuse, or the abusive use of conflict.

(4) Written report elements:

- (a) Consistent with chapter 26.09 RCW regarding criteria for permanent parenting plans;
- (b) Address the developmental needs of the children;
- (c) No diagnostic or evaluative comments about any person not personally observed by the psychologist;
- (d) No discrimination based on age, gender, race, ethnicity, disability, sexual orientation, national origin, religion, or any other protected class under applicable law;
- (e) Acknowledge and address major concerns of each party, including allegations against both parties;
- (f) Identify documents relied upon;
- (g) Identify all collateral contacts;
- (h) Identify all testing done;
- (i) Identify all interviews with parties;
- (j) Identify date of report preparation and distribution; and
- (k) Concurrent distribution to parties and/or attorneys as specified in the disclosure statement.